

THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN THE MATTER OF A CRIMINAL
COMPLAINT AGAINST
TERRY LEE MIKSELL

Case No. 20-mj-203DPR

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Brian Martin, being first duly sworn, do hereby depose and state that:

1. This affiant is a Task Force Officer (TFO) with United States Immigration and Customs Enforcement (ICE) Office of Homeland Security Investigations (HSI) in Springfield, Missouri. I have been employed as a Barry County, Missouri, Deputy Sheriff since 1997 and a sworn law enforcement officer since 1985. I am also currently a TFO with the Southwest Missouri Cyber Crimes Task Force (SMCCTF) in Joplin, Missouri. I have been assigned to investigate computer crimes, including violations against children. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. I have attended training provided by the FBI Cyber Crime Division, the FBI's Regional Computer Forensic Laboratory, and the Missouri Internet Crimes Against Children (ICAC) Task Force. I have written, executed, and assisted in over 200 search warrants on the state and federal level.
2. As part of this affiant's duties with HSI, this affiant investigates criminal violations relating to child exploitation, child pornography, and coercion and enticement, in violation of 18 U.S.C. §§ 2251, 2252(a), 2252A, and 2422. This affiant has received training in the areas of child pornography, child exploitation, and human trafficking.
3. The statements in this affidavit are based on personal observations, training and experience,

investigation of this matter, and information obtained from other agents and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, this affiant has not included each and every fact known to me concerning this investigation. The affiant has set forth the facts necessary to establish probable cause to believe that Terry Lee Miksell has violated 18 U.S.C. § 2251(a), that is, sexual exploitation of a minor.

STATUTORY AUTHORITY

4. 18 U.S.C. § 2251(a) prohibits a person from employing, using, persuading, inducing, enticing, or coercing a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce, or if such visual depiction actually was transported in or affecting interstate commerce..

PROBABLE CAUSE

5. On September 17, 2019, Facebook initiated CyberTip 55638136, and on September 19, 2019, Facebook initiated CyberTip 55765307 with the National Center for Missing and Exploited Children (NCMEC). Facebook initiated the CyberTips after locating sexually explicit messages and images between a user they believed to be a minor and another user believed to be a 63-year-old male. The messages and images were sent between August 13, 2019, and September 6, 2019.
6. In CyberTips 55638136 and 55765307 Facebook identified two user profiles. The first profile identified the user's screen name as "Terry Miksell" located at <http://www.facebook.com/terry.miksell> (hereinafter "Miksell"). Miksell identified himself as a 63-year-old male in his profile. The second profile identified by Facebook was for a 16-year-old minor female (hereinafter "Jane Doe").

7. This affiant reviewed the image file submitted in CyberTip 55638136 and confirmed that it depicted child pornography, that is, Jane Doe, a minor less than 18 years of age, engaged in sexually explicit activity. The image had been sent from the minor's account to Miksell's account during a Facebook Messenger chat.
8. In CyberTip 55765307 Facebook provided an excerpt of Facebook Messenger chats between the Miksell and Jane Doe. This affiant reviewed the messages and confirmed that they are sexually explicit in nature. During the chats, Miksell asked Jane Doe to send him sexually explicit images.
9. Through the course of the investigation, this affiant located a 63-year-old individual named Terry Lee Miksell residing in Diamond, Missouri. On January 3, 2020, this affiant applied for and received a search warrant for Miksell's residence located in Diamond, Newton County, Missouri.
10. On January 16, 2020, this affiant and other members of HSI and the SMCCTF executed the search warrant for Miksell's residence. Upon arrival, TFO Martin made contact with Miksell. During a post-*Miranda* interview with TFO Martin and SMCCTF TFO Charles Root, Miksell admitted to communicating with Jane Doe through Facebook and further stated he got carried away during some of his messages with Jane Doe. Miksell reported that Facebook had closed both of his accounts for violation of community standards.
11. Law enforcement seized numerous devices from Miksell's residence, including Miksell's Alcatel 5041C cell phone. During law enforcement's preview of the cell phone, several pictures of Jane Doe were located in Miksell's Facebook Messenger chats. A short video depicting Jane Doe engaged in sexually explicit activity was also located.
12. Following the execution of the search warrant, this affiant located 16-year-old Jane Doe. Jane Doe was interviewed by HSI Child Forensic Interviewer Kim Stewart. Jane Doe confirmed that

Miksell had requested sexually explicit images and videos of her, and Jane Doe stated she had sent those images and videos at his request.

13. TFO Martin confirmed that Facebook utilizes the Internet to function. Furthermore, Miksell's Alcatel cell phone is manufactured outside the state of Missouri and would have had to cross state lines to enter.

CONCLUSION

14. Based on the above facts, this affiant believes there is probable cause in support of a criminal complaint against Terry Lee Miksell for violation of 18 U.S.C. § 2251(a), that is, sexual exploitation of a minor.



Brian Martin
Task Force Officer
Homeland Security Investigations

Subscribed and sworn before me this 28th day of January 2020.


David P. Rush
Chief Magistrate Judge
Western District of Missouri